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Rhys Merrett

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JAN 23 2006

PATENT APPLICATION

ATTORNEY DOCKET NO. 200304322-1

IN THE

## UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Michael F. Angelo et al

Confirmation No.: 5148

Application No.: 10/006331

Examiner: DERWICH, Kristin

Filing Date: 12/05/2001

Group Art Unit:

Title: LOCATION-BASED SECURITY FOR A PORTABLE COMPUTER

Mail Stop ISSUE FEE  
Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- |  |   |
|--|---|
| <input type="checkbox"/> Response/Amendment  | <input type="checkbox"/> Petition to extend time to respond |
| <input type="checkbox"/> New fee as calculated below   | <input type="checkbox"/> Supplemental Declaration           |
| <input checked="" type="checkbox"/> No additional fee  |   |
| <input checked="" type="checkbox"/> Other: <u>Comments on Statement of Reasons for Allowance</u> | (fee \$ <u>      </u> )                                     |

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$50	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$200	\$ 0
[ ] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$360	\$ 0
EXTENSION FEE	1ST MONTH \$120.00	2ND MONTH \$450.00	3RD MONTH \$1020.00	4TH MONTH \$1590.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

I hereby certify that this paper is being transmitted  
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Number of pages: 4

Typed Name: N. Rhys Merrett

Signature: N. Rhys Merrett

Michael F. Angelo et al

By Rhys Merrett

N. Rhys Merrett

Attorney/Agent for Applicant(s)  
Reg. No. 27,250

Date: 01/23/2006

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*Application No. 10/006,331  
Amndt. dated: January 23, 2006  
Reply to Office Action mailed:*

JAN 23 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application 10/006,331

Confirmation No. 5148

Filing Date: 12/05/2001

Group Art Unit: 2132

Inventor(s): Angelo, Michael F.

Examiner: DERWICH, Kristin M.

For: Location-Based Security for a Portable Computer.

Attorney Docket: 200304322-1

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

<b>Certificate of Transmission under 37 CFR 1.8</b> I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on	
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January 23, 2006

Date



N. Rhys Merrett

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Dear Sir:

The Notice of Allowance mailed January 11, 2006 was accompanied by a statement of the Examiner's reasons for allowance , including statements:

"The prior art of record fails to disclose determining the location of the computer system at boot-up and refreshing the location at predetermined intervals."

"Although utilizing location in order to determine security levels is common in the art, it is not usually used at boot-up, nor the location refreshed at predetermined time intervals."

Applicant does not necessarily concur with the Examiner's characterization of "the art". Further, these quotations are paraphrases of claim features and do not distinguish between recitations in the individual claims, the statements are potentially ambiguous and misleading.

Claim 1 includes the recitation:

"... wherein said processor receives a signal from the location module to determine at boot-up the location of the computer system relative to a plurality of pre-programmed

*Application No. 10/006,331  
Amndt. dated: January 23, 2006  
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location areas and, invokes an operating mode for said computer system based on the location area in which the computer system is located.”

Claim 13 includes the recitation:

“ . . . (c) determining in which location area the computer is located; and  
(d) at boot-up, invoking an operating mode preset for the location area determined in  
(c)”

Contrary to what might be implied by the above-quoted statements by the Examiner, there is no recitation in claim 1 or in claim 13 concerning “refreshing the location at predetermined intervals” and that feature is not pertinent to the patentability of either claim.

Claim 29 includes the recitation:

“ . . . wherein said processor receives a signal from the location module to determine, at predetermined time intervals, the location of the computer system relative to a plurality of pre-programmed location areas and, to invoke at each such predetermined time interval an operating mode for said computer based on the location area in which the computer is located.”

Again, contrary to what might be implied by the above-quoted statements by the Examiner, there is no recitation concerning “boot up” and that feature is not pertinent to the patentability of claim 29.

Each of claims 1, 13 and 29 is patentable over the prior art by reasons of the particular combinations of elements recited in that individual claim.

In addition, the Examiner has cited US Patent 6,418,533 as “prior art made of record”. However, Patent 6,418,533 was issued after the filing date of the present application based on an application having an earlier filing date; however, because, as noted by the Examiner, the inventor named in patent 6,418,533 is the same as the inventor named in the present

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application, the patent does not qualify as prior art under 35 USC 102(e), and no other section of 35 USC 102 is applicable.

Entry of these comments into the record is respectfully requested.

Date: January 23, 2006  
Hewlett-Packard Company  
Intellectual Property Administration  
PO Box 272400  
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Respectfully submitted,

  
N. Rhys Merrett  
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